

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF OREGON**

In re:

JESSE C MERTEN

KELLIE M MERTEN

Debtor(s)

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Case No. **24-30902-DWH13**

**TRUSTEE'S SPECIAL NOTICE RE:  
SECTION 1328(a) DISCHARGE**

It has come to my attention that you have failed to make all payments to your mortgage servicer as required by the direct payment paragraph of your Chapter 13 plan and as shown on Schedule J as one of your monthly expenses. It is my duty to inform you that Section 1328(a) of the Bankruptcy Code requires that before I may inform the Clerk's Office that you should be granted a discharge, I must certify to the Clerk that you have completed all payments under the plan. The direct payment to the servicer listed in your Chapter 13 plan is considered to be a payment under the plan. See, e.g., *In re Mrdutt*, 600 BR 72 (9<sup>th</sup> Cir. BAP 2019)

In order to correct this issue and allow my office to ultimately inform the Clerk all payments under the plan have been made, you must demonstrate to my office that you have cured this default in your plan. You must do this by the time you finish your regular bankruptcy plan payments. For under median cases, I will keep the case open until the 60<sup>th</sup> month to allow plenty of time to cure the default. If not cured by that time, I will be obliged to file a Motion to Dismiss for Failure to Complete the plan within the 60 month limit to bring the matter before the Bankruptcy Judge.

Informing my office of the reasons you failed to make the missed payments cannot fix this problem. I must have solid proof that the missed payments have in some form been paid to the proper mortgage servicer or a viable amended plan sent to all creditors that cures the default. Proof that full payments of the direct payment paragraph of your Chapter 13 plan have been made, would include a statement from your mortgage servicer that those missing payments have been made. If you fail to do so, it is possible that you will not receive a discharge at the conclusion of your case.

I send this Notice to you now in order to give you time to correct this problem with your plan. It is my sincere desire that you receive a discharge and I hope this letter will be seen as notice to you and your attorney that this serious problem must be addressed and addressed quickly.

Dated: October 29, 2024

/s/ Wayne Godare  
Chapter 13 Trustee

I certify that on October 29, 2024, I mailed copies of the above Notice to the debtor(s) and the debtor's attorney, MICHAEL D O'BRIEN , if any.

/s/ Amy Rasmussen  
Office of the Chapter 13 Trustee